



## **ATTENTION DEBTORS' ATTORNEYS!!**

Local Bankruptcy Rule 5005-4 concerning electronic filing provides, in part, regarding retention of original signatures . . . **“Documents that require the signature of the debtor shall be maintained by the electronic filer with the original signature(s) in paper form for two years following the expiration of all time periods for appeals after entry of a final order terminating the case or proceeding. Documents required to be retained by counsel with actual signatures of the debtor include Form 21, voluntary petition, statements, schedules, lists and amendments thereto.”** (emphasis added).

Before you file any voluntary petition, statements, schedules, lists and amendments thereto, purporting to be signed by debtors, make certain you have obtained and are retaining in accordance with the above referenced rule, the original “wet” signature of the debtor(s). Do not allow debtor(s) to testify under oath at the Section 341 meeting of creditors that they have “read and signed” these documents unless you are certain that they have done so and that they have done so prior to the filing of the case and or documents with the court.

**Failure to obtain (before commencing the case and/or filing such documents) and to retain such original signatures may result in sanctions being entered against you, including but not limited to disgorgement of fees.** See Digesualdo 08-26950 MER, Doc #103 (9/21/10). (“Although Rule 9011 does not explicitly state a debtor must sign a bankruptcy petition, Official Form 1 accompanying the Federal Rules of Bankruptcy Procedure requires the debtor’s signature. Moreover, in addition to the signing requirement in the Official Form and Rule 9011, Rule 1008 provides: “All petitions, lists, schedules, statements and amendments thereto shall be verified or contain an unsworn declaration as provided in 28 U.S.C. § 1746.” Further, Rule 5005 and Local Bankruptcy Rule 5005-4 contain additional requirements directed at electronic filing”).